



July 17, 2017

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: ***Accelerating Wireline Broadband Deployment by Removing Barriers  
to Infrastructure Investment  
WC Docket No. 17-84***

Dear Ms. Dortch:

Intelliwave, LLC is a provider of fixed broadband services based in Athens, Ohio, and we serve approximately 5000 residential and business customers throughout 15 counties in Appalachian Ohio. Many of our customers live in areas of persistent poverty and have no other high-speed broadband option. It is therefore important that Intelliwave be able to offer affordable service. We began our operations in 2002 by deploying with unlicensed spectrum in the 900 MHz, 2.4 GHz and 5 GHz bands, and we have been installing fiber-to-the-home (FTTH) for the last few years.

In the ongoing proceeding, the FCC asks for examples of cases where local governments have impeded the deployment of fixed broadband services. Unfortunately, Intelliwave has many examples to cite.

About two and a half years ago, Intelliwave began installing fiber in public rights-of-way by directional boring and direct bury (plow). We were received warmly by some townships and municipalities. However, three counties in Ohio made it very difficult to secure any permits for construction in the right-of-way. We have been engaging with one county for over two years with no success. We have been working with a second county for two years and hope to have approvals very soon. In the third county, we simply walked away because it was obvious that the county engineer was hostile and would never grant us permits.

Problems we've encountered with the permitting process include the following:

- There is no "shot clock" in place for acting on permitting requests. As evidenced by our timeline, a county engineer can take as long as he or she wants to respond to a permit application.

- County engineers have complete authority to discriminate among providers and by construction technique. In our experience, copper is treated one way and fiber another without any justification.
- There is no legal framework to define standards, process or procedure. Engineers can simply say "it's my policy" and deny a permit request, without supplying any reason.
- There is no recourse and no sanctions for public decision-makers who deny permits. Providers cannot appeal decisions to any authority.

In a very real way, these arbitrary processes and delays have absolutely contributed to Intelliwave's inability to provide service to areas where consumer demand for fixed broadband is high and infrastructure is lacking. We have a proven model of successful deployment and operations, and have no doubt that we can provide a level of service that will contribute to the welfare of the rural communities that need service, with all the attendant benefits of educational opportunity, job creation, economic growth, rural healthcare and civic participation in the Internet economy. A few county engineers, armed with the authority to deny without any recourse, should not be able to frustrate our business objectives and the welfare of the communities they are supposed to be serving.

Thank you for the opportunity to comment on these important issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Cooper".

Chris Cooper  
CEO  
Intelliwave LLC